

FILED

AUG 6 2008

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

E-filing

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

Manuel Torres Tomayo Jr.
Plaintiff,

vs.

Mike Evans (CDN)
Defendant.

CV 08 3768
CASE NO.

PRISONER'S
APPLICATION TO PROCEED
IN FORMA PAUPERIS

PJH

(PR)

I, Manuel Torres Tomayo Jr. declare, under penalty of perjury that I am the plaintiff in the above entitled case and that the information I offer throughout this application is true and correct. I offer this application in support of my request to proceed without being required to prepay the full amount of fees, costs or give security. I state that because of my poverty I am unable to pay the costs of this action or give security, and that I believe that I am entitled to relief.

In support of this application, I provide the following information:

1. Are you presently employed? Yes ___ No ☒

If your answer is "yes," state both your gross and net salary or wages per month, and give the name and address of your employer:

Gross: NA Net: NA

Employer: NA

1 If the answer is "no," state the date of last employment and the amount of the gross and net
 2 salary and wages per month which you received. (If you are imprisoned, specify the last
 3 place of employment prior to imprisonment.)

4 San Diego blvd bank San Diego, Ca 92102

5 10⁵¹ on hour

7 2. Have you received, within the past twelve (12) months, any money from any of the
 8 following sources:

- 9 a. Business, Profession or Yes ☐ No ☒
 10 self employment
- 11 b. Income from stocks, bonds, Yes ☒ No ☐
 12 or royalties?
- 13 c. Rent payments? Yes ☐ No ☒
- 14 d. Pensions, annuities, or Yes ☐ No ☒
 15 life insurance payments?
- 16 e. Federal or State welfare payments, Yes ☐ No ☒
 17 Social Security or other govern-
 18 ment source?

19 If the answer is "yes" to any of the above, describe each source of money and state the amount
 20 received from each.

21 Grandmother \$50⁰⁰ every one to two months.

23 3. Are you married? Yes ☐ No ☒

24 Spouse's Full Name: NA

25 Spouse's Place of Employment: _____

26 Spouse's Monthly Salary, Wages or Income:

27 Gross \$ NA Net \$ NA

28 4. a. List amount you contribute to your spouse's support: \$ NA

b. List the persons other than your spouse who are dependent upon you for support and indicate how much you contribute toward their support. (NOTE: For minor children, list only their initials and ages. DO NOT INCLUDE THEIR NAMES.).

NA

5. Do you own or are you buying a home? Yes ___ No ☒

Estimated Market Value: \$ _____ Amount of Mortgage: \$ _____

6. Do you own an automobile? Yes ☒ and No ☒ Reported

Make Toyota Year 1999 Model Corolla

Is it financed? Yes ☒ No ___ If so, Total due: \$ 2,500

Monthly Payment: \$ 299

7. Do you have a bank account? Yes ☒ No ___ (Do not include account numbers.)

Name(s) and address(es) of bank: Bank of America San Ysidro Blvd.

San Ysidro, Ca 92173 - Trying to close account

Present balance(s): \$ 0

Do you own any cash? Yes ___ No ☒ Amount: \$ NA

Do you have any other assets? (If "yes," provide a description of each asset and its estimated market value.) Yes ___ No ☒

8. What are your monthly expenses?

Rent: \$ NA Utilities: _____

Food: \$ _____ Clothing: _____

Charge Accounts:

Name of Account	Monthly Payment	Total Owed on This Acct.
NA	\$ _____	\$ _____
	\$ _____	\$ _____
	\$ _____	\$ _____

9. Do you have any other debts? (List current obligations, indicating amounts and to whom they are payable. Do not include account numbers.)

① Cingular Wireless San Diego \$300.00 or so, AT&T phone company San Diego \$300
 ② Area 210, 91945 or 91932
 ③ Blockbuster Video Palm Ave San Diego, Mile of cars Toyota San Diego \$2500

10. Does the complaint which you are seeking to file raise claims that have been presented in other lawsuits? Yes ☒ No ☐

Please list the case name(s) and number(s) of the prior lawsuit(s), and the name of the court in which they were filed.

Both:
 U.S. United States Eastern District Court of California.
 ① Manuel Tomayo Torres Jr. vs. Martin Snyder # 1:08-cv-00428-AWI-GSA (PC)
 ② Manuel Tomayo Torres Jr. vs. Mike Evans (CW) # 1:08-cv-00748-SME (PC)

I consent to prison officials withdrawing from my trust account and paying to the court the initial partial filing fee and all installment payments required by the court.

I declare under the penalty of perjury that the foregoing is true and correct and understand that a false statement herein may result in the dismissal of my claims.

7-31-08

DATE

Manuel Tomayo Torres Jr.

SIGNATURE OF APPLICANT

Case Number: _____

CERTIFICATE OF FUNDS
IN
PRISONER'S ACCOUNT

I certify that attached hereto is a true and correct copy of the prisoner's trust account statement showing transactions of _____ for the last six months
[prisoner name]
_____ where (s)he is confined.

[name of institution]
I further certify that the average deposits each month to this prisoner's account for the most recent 6-month period were \$ _____ and the average balance in the prisoner's account each month for the most recent 6-month period was \$ _____.

Dated: _____

[Authorized officer of the institution]